

AMENDED IN SENATE MARCH 29, 2007

AMENDED IN SENATE MARCH 8, 2007

**SENATE BILL**

**No. 102**

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**Introduced by Senator Migden**

January 17, 2007

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An act to amend Section 1645 of the Health and Safety Code, relating to blood transfusions.

LEGISLATIVE COUNSEL'S DIGEST

SB 102, as amended, Migden. Blood transfusions.

Existing law requires, whenever there is a reasonable possibility, as determined by a physician, that a blood transfusion may be necessary as a result of a medical procedure, that the physician, by means of a standardized written summary that is published by the Medical Board of California and distributed upon request, inform the patient of the positive and negative aspects of receiving autologous blood and directed and nondirected homologous blood from volunteers.

This bill would, *among other things*, require the information to be given, *whenever there is a reasonable possibility that a blood transfusion may be necessary as a result of a medical or surgical procedure*, by the physician and surgeon ~~or by, a registered nurse practitioner, nurse midwife, or physician's physician assistant acting under the supervision of a physician and surgeon.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1645 of the Health and Safety Code is amended to read:

1645. (a) Whenever there is a reasonable possibility, ~~as determined by a physician and surgeon,~~ that a blood transfusion may be necessary as a result of a medical or surgical procedure, the physician and surgeon, *nurse practitioner acting pursuant to Article 2 (commencing with Section 2725) of Chapter 6 of Division 2 of the Business and Professions Code, certified nurse midwife acting pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code, or physician assistant acting pursuant to Chapter 7.7 (commencing with Section 3500) of Division 2 of the Business and Professions Code*, by means of a standardized written summary as most recently developed or revised by the State Department of Public Health pursuant to subdivision (e), ~~shall inform, either directly or by a registered nurse or physician's assistant acting under the supervision of a physician and surgeon,~~ *inform* the patient of the positive and negative aspects of receiving autologous blood and directed and nondirected homologous blood from volunteers. For purposes of this section, the term "autologous blood" includes, but is not limited to, predonation, intraoperative autologous transfusion, plasmapheresis, and hemodilution.

(b) The person who provided the patient with the standardized written summary pursuant to subdivision (a) shall note on the patient's medical record that the standardized written summary was given to the patient.

(c) Subdivisions (a) and (b) shall not apply when medical contraindications or a life-threatening emergency exists.

(d) When there is no life-threatening emergency and there are no medical contraindications, the physician and surgeon, *nurse practitioner acting pursuant to Article 2 (commencing with Section 2725) of Chapter 6 of Division 2 of the Business and Professions Code, certified nurse midwife acting pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code, or physician assistant acting pursuant to Chapter 7.7 (commencing with Section 3500) of Division 2 of the Business and Professions Code*, shall allow adequate time prior to the procedure for predonation to occur.

Notwithstanding this chapter, if a patient waives allowing adequate time prior to the procedure for predonation to occur, a physician and surgeon, *nurse practitioner acting pursuant to Article 2 (commencing with Section 2725) of Chapter 6 of Division 2 of the Business and Professions Code, certified nurse midwife acting pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code, or physician assistant acting pursuant to Chapter 7.7 (commencing with Section 3500) of Division 2 of the Business and Professions Code*, shall not incur any liability for his or her failure to allow adequate time prior to the procedure for predonation to occur.

(e) The State Department of Public Health shall develop and annually review, and if necessary revise, a standardized written summary which explains the advantages, disadvantages, risks, and descriptions of autologous blood, and directed and nondirected homologous blood from volunteer donors. These blood options shall include, but not be limited to, the blood options described in subdivision (a). The summary shall be written so as to be easily understood by a layperson.

(f) The Medical Board of California shall publish the standardized written summary prepared pursuant to subdivision (e) by the State Department of Public Health and shall distribute copies thereof, upon request, to physicians and surgeons *and physician assistants*. The Medical Board of California shall make the summary available for a fee not exceeding in the aggregate the actual costs to the State Department of Public Health and the Medical Board of California for developing, updating, publishing and distributing the summary. Physicians and surgeons, *nurse practitioners acting pursuant to Article 2 (commencing with Section 2725) of Chapter 6 of Division 2 of the Business and Professions Code, certified nurse midwives acting pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code, and physician assistants acting pursuant to Chapter 7.7 (commencing with Section 3500) of Division 2 of the Business and Professions Code*, shall purchase the written summary from the Medical Board of California for, or purchase or otherwise receive the written summary from any other entity for, distribution to their patients as specified in subdivision (a). *The Medical Board of California shall, in collaboration with the Board of Registered Nursing, ensure that all nurse practitioners*

1 *and certified nurse midwives have access to the standardized*  
2 *written summary prepared pursuant to subdivision (e). Clinics,*  
3 *health facilities, and blood collection centers may purchase the*  
4 *summary if they desire.*

5 (g) Any entity may reproduce the written summary prepared  
6 pursuant to subdivision (e) by the State Department of Public  
7 Health and distribute the written summary to physicians and  
8 surgeons, *nurse practitioners acting pursuant to Article 2*  
9 *(commencing with Section 2725) of Chapter 6 of Division 2 of the*  
10 *Business and Professions Code, certified nurse midwives acting*  
11 *pursuant to Article 2.5 (commencing with Section 2746) of Chapter*  
12 *6 of Division 2 of the Business and Professions Code, and physician*  
13 *assistants acting pursuant to Chapter 7.7 (commencing with*  
14 *Section 3500) of Division 2 of the Business and Professions Code.*